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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,452	12/29/2004	Olivier Bremond	5551	9720

7590 10/04/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2887

MAIL DATE	DELIVERY MODE
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10/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/519,452</p>	<p>Applicant(s) BREMOND ET AL.</p>	
	<p>Examiner DANIEL WALSH</p>	<p>Art Unit 2887</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 19-25 and 28-38.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See NOTE below.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887

NOTE: NOTE: The Examiner notes that the claims remain rejected as per the final office action (mail date 6-24-10). The independent claims have been amended per the after final amendment, and have been broadened by removal of claim limitations. As a result, such changes now result in broader claims which necessitate further search/consideration.

The Examiner notes that the printing of barcodes in transparent or invisible inks has been discussed in Berson (col 1, lines 50+) to permit more information to be on the documents (since the codes are invisible/transparent more information can be printed on the documents because the barcodes can be applied anywhere and do not obscure the document contents like a visible code would).

With regard to when the barcode is able to be read (immediately after printing), the Examiner notes that such limitations are not in the independent claims. Even so, since barcodes are read via illumination and do not require contact to be read, it is understood that they can be read once they are printed out.

Further, the Examiner notes that just because a barcode can/is read immediately after printing, such teachings do not appear to limit the barcode in the sense that it is structurally different or cannot be read at a different time, or that it is somehow different from another printed barcode that is read later. The Examiner notes that once a barcode is printed, it can be read (it is capable of being read).

Further, while Fujiwara teaches the barcode is read immediately after printing, it is unclear why such teachings preclude using the recited materials for the marking. The Examiner notes that as first and second marking are taught by Fujiwara, and alternative marks are taught by the secondary references (with motivations for security/additional information permitted on the document), the Examiner notes that using such materials for the markings is an obvious expedient to produce the aforementioned expected results.

Simply put, the Examiner disagrees that somehow the fact that Fujiwara mentions reading immediately after printing somehow renders the combination of reference improper because the secondary references do not teach reading immediately after printing. The primary reference teaches reading immediately after printing. The secondary reference teach the use of alternative printing inks for expected results. The Examiner believes that the combination of Fujiwara with the secondary references would have been obvious to produce those expected results, and that barcodes, since they are read without contact and via illumination/imaging, are theoretically able to be read immediately after being made/printed.